

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 6-8, 11, 14, 17, 20, 24 and 27-28 have been amended. No claims have been cancelled. No new claims have been added. Therefore, claims 1-30 are now are presented for examination. The following remarks are in response to the final Office Action mailed September 12, 2005.

35 U.S.C. § 103 Rejection

Claims 1-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Achour et al., U.S. Patent No. 6,363,260 (“Achour”) and Jungck et al., U.S. Pub No. 2002/0009079, (“Jungck”).

Applicant respectfully submits that Achour discloses a “method to enhance *performance of a dual-mode or dual-band mobile telephone* includes, after the phone has initially connected to a CDMA wireless network, *monitoring a level of total power received by the phone.*” (Abstract; emphasis provided). Achour further discloses that “a *list of preferred service provider systems is kept in a preferred roaming list . . . [t]he preferred roaming list is a list of frequencies and bands in different parts of the country.*” (col. 7, lines 60-64; emphasis provided). The “mobile phone first determines *whether it is receiving sufficient total power to permit a satisfactory level of performance by the cell phone.* If so, the mobile phone enters the idle state for further monitoring. If not enough total power is reaching the mobile phone, it exists the first service provider system to find a better service provider system.” (col. 6, lines 36-41; emphasis provided).

Jungck discloses an “apparatus and method for *enhancing the infrastructure of a network such as the Internet.*” (Abstract; emphasis provided).

In contrast, claim 1, in pertinent part, recites “providing an uninterrupted stream of the media content from the second edge site to the client.” (emphasis provided). Achour discloses a list of preferred service provider systems (col. 7, lines 60-61); however, Achour does not teach or reasonably suggest “providing an uninterrupted stream of the media content from the second edge site to the client” as recited by claim 1. (emphasis provided). Jungck discloses enhancing the infrastructure of a network (Abstract); however, Jungck fails to teach or reasonably suggest “providing an uninterrupted stream of the media content from the second edge site to the client” as recited by claim 1. (emphasis provided). Applicant submits that neither Achour nor Jungck teach or reasonably suggest “providing an uninterrupted stream of the media content from the second edge site to the client” as recited by claim 1. (emphasis provided). Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 11, 14, 17, 20 and 24 include limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 11, 14, 17, 20 and 24 and their dependent claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

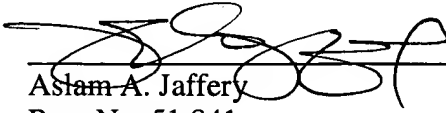
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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